

REMARKS

Applicants and the undersigned reviewed the Office Action carefully before preparing this response. Reconsideration is respectfully requested. Nonetheless, in light of the positions presented herein, this application is believed to be in condition for allowance.

Claim 13 was rejected under 35 U.S.C. § 112, second paragraph, with regard to antecedent basis. The Examiner's point is well-taken, and Applicants believe the issue to be typographical, in nature. Accordingly, solely for purpose of clarification and without further limitation, claim 13 is hereby amended and in condition for allowance.

Numerous other claims were rejected under 35 U.S.C. § 102(e) as anticipated by the Dubertret reference. Again, Applicants appreciate the Examiner's concern but believe Dubertret to have been misconstrued. For example, the chemical linker discussed in paragraph 67 serves to functionalize a micellar component encapsulating a nanoparticle coated with a hydrophobic ligand. That is, as further described in paragraph 67, the linker is part of the micellar component, not the ligand, and is directed outwardly toward an aqueous medium for interaction with a biological molecule therein.

Nonetheless, Applicants completed the invention claimed in the present application before the effective date of the Dubertret reference. More particularly, the invention recited in independent claims 1, 14 and 20 was conceived and with due diligence reduced to practice prior to the effective date of the Dubertret reference. Such prior invention is supported, pursuant to 37 C.F.R. § 1.131, by the declaration of co-inventor Habib Skaff and incorporated copies of pages of his laboratory research notebook. (A copy of the declaration is hereby provided, with the original to follow by supplemental response.)

Without limitation to any one embodiment, a composite of the sort recited in claim 1 is described in exhibit A on pages 37-38. Likewise, without limitation, a system of the sort recited in claim 14 is described on page 37, and a method of the sort recited in claim 20 is described on page 38.

Accordingly, the Dubertret reference does not anticipate Applicants' invention. The rejection should be withdrawn, with claims 1-5 and 14-26 allowed to proceed toward issue.

Applicants gratefully acknowledge the allowability of claims 6-12. In light of the preceding, all claims are now believed to be in condition for allowance. Consistent therewith, favorable action is respectfully requested. The Examiner is invited to contact the undersigned by telephone should any issue remain. Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rodney D. DeKruif".

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